

## (Appendix 2 of Shared Ownership Nominations Agreement)

### Arundel Community Land Trust Local Lettings Shared Ownership Allocation Policy

#### Introduction

1.1 It is the intention of the signatories to this Allocations Policy (the Policy) that the Affordable homes acquired by Arundel Community Land Trust are allocated and occupied in accordance with the Policy. The Policy has been prepared and agreed by the signatories to ensure that the objects of the Arundel Community Land Trust are met, and the Arundel Neighbourhood Plan is delivered, by the occupation of the Affordable homes being in conformity with the Policy at all times.

1.2 The Policy relates to the development off Ford Road, Arundel which will provide the seven Shared Ownership homes acquired by Aster Communities.

1.3 A separate Policy covers the 20 Social Rent homes.

1.4 It is not the intention to have any other Affordable homes on this development. In the event this arises, the principles of the Policy should be adapted to apply to those homes as well.

1.5 The Policy is an appendix to the Shared Ownership Nomination Agreement which forms Appendix 8 of the Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 relating to Land at Ford Road, Arundel Planning ref: AB/135/20/OUT and should be read in conjunction with it.

1.6 The signatories to the Policy are:

- (i) Arundel Community Land Trust
- (ii) Aster Communities
- (iii) Arun District Council

1.7 The Arundel Community Land Trust will review the Policy annually and agree with Arun District Council and Aster Communities of any changes required to ensure the Affordable homes continue to meet local housing needs.

#### Definitions

For the purposes of the Policy the following definitions shall apply:

|                            |  |
|----------------------------|--|
| <b>Adjacent Parishes</b>   | The civil parishes of Burpham; Houghton; Lyminster & Crossbush; Madehurst; Poling; South Stoke and Warningcamp.  |
| <b>Advertising Periods</b> | The periods relating to the cascade for the local priority categories to be applied as set out in para f of Appendix 1 to the Shared Ownership Nominations Agreement.  |
| <b>Applicant</b>           | A person who has applied for a Shared Ownership home.  |
| <b>Family Member</b>       | A person who is the spouse, civil partner, partner, mother, father, sister, brother, daughter, son, grandparent or grandchild over 18.<br><br>Partner – means spouse, civil partner or a partner who has resided with a resident of the parishes without being legally married to that person for a period of at least 10 years. |

|   |   |
|---|---|
| <b>Financial Criteria</b>                     | As specified by Help to Buy South and in line with existing Government policy.  |
| <b>Housing Need</b>                           | In need of suitable permanent housing and unable to afford to pay market rents or the open market price for reasonably suitable permanent housing for outright sale or a minimum 25% of a shared ownership property within Arundel. |
| <b>Help to Buy South</b>                      | A Government appointed body with helps provide Help to Buy across the South of England <a href="https://www.helptobuyagent3.org.uk/">https://www.helptobuyagent3.org.uk/</a>  |
| <b>Local Connection Criteria</b>              | As specified in Section 3 of this Policy.   |
| <b>Qualifying Criteria</b>                    | The Local Connection Criteria and the Financial Criteria and Qualifying will be construed accordingly   |
| <b>Register</b>                               | The list of applicants for Shared Ownership homes on the development off Ford Road to which this Policy relates.  |
| <b>Registered Provider</b>                    | A Registered Provider of Social Housing as defined in section 80(2) of the Housing and Regeneration Act 2008.   |
| <b>Shared Ownership / Shared Equity</b>       | Homes that enable the applicant to own a financial stake in the property aimed at those on incomes below £80,000.   |
| <b>Shared Ownership Nominations Agreement</b> | The Agreement related to this Policy [specific s106 app 8]. The [annex/appendix to this] Agreement includes the Shared Ownership Nominations Procedure.   |
| <b>Shared Ownership Nominations Procedure</b> | The Nomination Procedure set out in Appendix 1 to the Shared Ownership Nominations Agreement.   |
| <b>Working</b>                                | Working in employment or self-employment for at least 24 hours per week.  |

## The Policy

- 2.1 All applicants should complete the Arun District Council an e-form which will indicate their eligibility for an [Aster] Shared Ownership Unit.
- 2.2 The e-form will be as approved between the parties to this Policy.
- 2.3 Applicants should also register with HomeBuy South.
- 2.3 E forms will be passed to Aster Communities to maintain the Register and process suitable applicants in line with this Policy.

## Local Connection

- 3.1 Priority 1 Local connection with Arundel through residency or work
- (a) Applicant currently lives in the Civil Parish of Arundel and has done so throughout the previous 5 years; or
- (b) Applicant works in the Civil Parish of Arundel or work is primarily carried out in the parish, having done so for a continuous period of at least 2 years, or
- (c) Applicant has lived the Civil Parish of Arundel for a period of 5 years in the past 10 years;

### 3.2 Priority 2 Other local connection with Arundel

Applicant has a strong local connection with Arundel such as

- (a) Applicant has a Family Member living in the Civil Parish of Arundel, who has done so for a continuous period of at least 5 years
- (b) at least 5 years of their upbringing took place in the Civil Parish of Arundel
- (c) an eligible household member is at school in the Civil Parish of Arundel and has been so for a continuous period of at least 18 months

### 3.3 Priority 3 Local connection with defined adjacent parish through residency or work

- (a) Applicant currently lives in one of the adjacent Civil Parishes of Adjacent Parishes and has done so throughout the previous 5 years; or
- (b) Applicant works in one of the Adjacent Parishes or their work is primarily carried out in one of Adjacent Parishes, having done so for a continuous period of at least 2 years
- (c) Applicant has lived in one of the Adjacent Parishes for a period of 5 years in the past 10 years

### 3.4 Priority 4 Other local connection with defined adjacent Parish

Applicant has strong local connection with one of the Adjacent Parishes such as

- (a) they have a Family Member living in one of these parishes, who has done so for a continuous period of at least 5 years.
- (b) at least 5 years of their upbringing took place in one of these parishes.

### 3.5 Priority 5 Arun DC standard criteria (see also Appendix 1)

- (i) Applicant currently lives in the Arun District Council area and have done so throughout the previous 5 years; or
- (ii) Applicant has lived in the District for a period of 5 years' time in the past 10 years; or
- (iii) Applicant has a strong local connection to the Arun District:
  - Applicant works in the Arun District and have done so for a continuous period of at least 2 years
  - At least 5 years of their upbringing took place in the Arun District
- (iv) Armed Forces and former service personnel who do not qualify under Priority 1 2, 3 or 4
  - a) members of the Armed Forces and former Service personnel, where the application is made within five years of discharge
  - b) bereaved (or divorced or separated) spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of (or divorce or separation from) their spouse or partner
  - c) serving or former members of the Reserve Forces who need to move because of serious injury, medical condition or disability sustained as a result of their service

## **Application of Qualifying Criteria for Shared Ownership Homes**

- 5.1 Aster Communities homes for sale on a Shared Ownership basis will be marketed locally as first priority, followed by wider advertising if sales cannot be achieved.

- 5.2 Shared ownership homes will be marketed in line with local market values – including the rental element.
- 5.3 When the Shared Ownership homes on the development first become available, Arundel Community Land Trust will hold at least one public meeting 3-4 months ahead of the expected completion date of the properties to provide information and advice, and advertise through all Arundel Town Council usual channels e.g., local Notice Boards and Arundel Town Council website the first of which being the Initial Public Meeting.
- 5.4 The date of this meeting will trigger the opening of the Advertising Period for applicants meeting Priority 1.
- 5.5 Arun District Council will ensure details of all applicants on the Register one month before the opening of the Advertising Period are shared promptly with Aster Communities so Aster Communities can notify them that the first Advertising Period is opening.
- 5.6 Aster will also use their usual channels for Shared Ownership e.g., Help to Buy and Aster Communities' own website – making it clear that a local prioritisation procedure is in place.
- 5.7 Applicants shall be required to demonstrate to the reasonable satisfaction of the Arundel Community Land Trust's nominee - Aster Communities - that, the Qualifying criteria and any other information relevant to assess their eligibility and priority within this Policy.
- 5.8 Sales will be agreed on a cascade basis as set out in the Nominations Agreement and Procedure associated with this Policy. This provides for applicants meeting Priority 1 to be offered properties before offers are made to Priorities 1& 2 and so on, according to the timescales specified in the Shared Ownership Nominations Procedure.
- 5.9 In the event of there being unsold properties and, after 6-months from the commencement of marketing, properties can then be offered to any applicant that doesn't meet the defined priorities.

## **Sales**

- 6.1 No estate or interest in any Shared Ownership home (other than a tenancy, a mortgage or a charge) shall be disposed of without securing that:
- (a) Aster Communities are notified in writing seven days prior to advertising or marketing the Shared Ownership Dwelling for disposal
  - (b) all sales particulars produced in respect of the Shared Ownership Dwelling state that the restrictions on occupancy and tenure will be effective to bind all future owners and occupiers.
  - (c) Aster Communities are given first option to buy back the property where the seller owns 100%.
- 6.2 Aster Communities will notify resales promptly, to both Arundel Community Land Trust and to applicants on the Register.
- 6.3 When notified of resales Arundel Community Land Trust will use local communications to ensure as many local people as possible know about the vacancy and how to apply.

## **Supplemental**

- 7.1 For the avoidance of doubt, no person shall be permitted to occupy, use or let an Affordable Home as a second home, or as short let holiday accommodation.

7.2 Nothing in this Policy shall prevent the occupier of an Affordable home from permitting any person to occupy a room in that dwelling as a guest, or as a lodger.

**Information**

8.1 Aster Communities agrees to provide Arundel Community Land Trust and Arun District Council with the details of all successful Applicants on 1 April annually including information about Priority Status. To include information about staircasing up and down.

**Disputes Procedure**

9.1 Arundel Community Land Trust and Aster Communities to undertake to use their reasonable endeavours to resolve any issues, complaints or disputes in respect of the operation of the Scheme or any other matter pertaining to the Scheme amicably, through discussion and co-operation.

9.2 Arundel Community Land Trust agree that any complaints or matter of dispute from an applicant or third party regarding the performance or non-performance of obligations under this Allocations Scheme or any other matter pertaining to this Allocations Scheme should usually be addressed or referred to Aster. Aster will liaise as necessary with Arundel Community Land Trust.

**Legal Succession**

10. Where a signatory to this Policy changes its name or legal identity but otherwise retains the same function and purpose through succession, all duties and obligations under this Scheme will automatically transfer to the successor. Save in the case of succession, no signatory may transfer or assign its interest in this Policy without the prior written agreement of Arundel Community Land Trust.

**Variation**

11. The Policy and its provisions shall only be capable of amendment by a document in writing executed by Arundel Community Land Trust.

.....  
Chair  
**Arundel Community Land Trust**  
Date:

.....  
Authorised Signatory  
**[Aster]**  
Date:

.....  
Authorised Signatory  
**Arun District Council**  
Date :